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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/962,645 11/03/97 KAWAI

H 35.G1460-CI

005514 WM01/1122
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

EXAMINER

NGUYEN, L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED:

11/22/00

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/962,645

Applicant(s)

Kawai

Examiner

Luong Nguyen

Group Art Unit

2612

 Responsive to communication(s) filed on Aug 28, 2000 This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

 Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

 Claim(s) _____ is/are allowed. Claim(s) 1-32 is/are rejected. Claim(s) _____ is/are objected to. Claims _____ are subject to restriction or election requirement.

Application Papers

 See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on _____ is/are objected to by the Examiner. The proposed drawing correction, filed on _____ is approved disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

 Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 filed on 8/28/2000 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-8, 10-18, 20-24, 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699) further in view of Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580).

Regarding claim 1, Ohyama et al. disclose an image input device comprising an image pickup unit, disclosed as camera unit 2 (figure 1, column 3, lines 1-5); an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40). Ohyama et al. disclose a support unit for supporting the camera unit at a predetermined position (predetermined angle). Ohyama et al. fail to specifically disclose a first detection unit adapted to detect an angle of the image pickup direction. However, Saito teaches an sensor which is provided to a video camera for

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detecting an orientation position of the video camera (column 8, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Saito in order to detect orientation position of the video camera (angle of the image pickup direction, column 8, lines 48-54).

Ohyama et al. and Saito fail to specifically disclose a storage unit adapted to store an image signal. However, Morimura teaches frame memory 5 and 6 which store image signal outputted from video camera 3 (figure 4, column 3, line 65 through column 4, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. and Saito by the teaching of Morimura in order to store image signal. Ohyama et al., Saito and Morimura fail to explicitly disclose storage means stores image signal only when the predetermined angle is detected. However, Ishikawa et al. teach means for detecting whether or not the camera is movable, and means for inhibiting the video signal from being output when the camera moves (abstract, column 7, lines 13-16, column 9, lines 9-12, column 11, lines 1-35). Morimura discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying the teaching of Ishikawa et al. into Ohyama et al., Saito and Morimura system, this system can also store image signal only when the predetermined angle is detected. This allows an undesirable and useless picture is erased (column 2, lines 14-15).

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As for claims 2 and 15, Saito discloses the second detection unit which can also be considered as first detection unit as discussed in claim 1. If the camera is fixed and not moving, this detection part will detect this.

Regarding claims 3 and 16, in Ohyama et al., figure 1 shows camera unit 2 which moves in the direction indicated by arrow a (column 4, lines 34-40). Although a moto-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input button 12.

Regarding claims 4 and 17, Ohyama et al. disclose the camera unit 2 is capable of moving in the direction indicated by arrow a (column 4, lines 34-40). It would have been obvious to move camera between imaging a document and imaging a person in order to let the user select a desired direction. Images are stored from the camera at all times. Therefore, the time at which the camera changes position from a document to a person is also stored.

Regarding claims 5 and 18, Morimura discloses a control unit to control the storage unit as microcomputer 17 (figure 10).

Claim 7 is considered substantively equivalent to claim 1 with the additional limitation of a mount table. This clearly shown as original pedestal 5 in figure 1 of Ohyama et al.. The “predetermined angle” of claim 1 is equivalent to the “direction for picking up said subject on said mount table”.

Regarding claim 8, Morimura discloses the control unit as microcomputer 17 (figure 10).

Claim 10 is considered substantively equivalent to claim 1 discussed above.

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Claim 11 is considered substantively equivalent to claim 4 discussed above.

Claim 12 is considered substantively equivalent to claim 5 discussed above.

Regarding claim 13, figure 4 in Morimura shows that the images stored in the memory are readout. Morimura discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle.

Regarding claim 14, all the limitations are contained in claims 1 and 8. Therefore, see Examiner's comment regarding claims 1 and 8.

Regarding claim 20, Morimura discloses that the system stores signals at all times, that inherently includes "image signal stored by the storing means repeatedly".

Regarding claim 21, Morimura discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle. This shows that "image signal stored by the storing means selectively".

Regarding claim 22, Morimura discloses that the system stores signals at all times, and figure 4 shows that the images stored in the memory are readout. This includes the controlling output image signal when the predetermined angle is not detected.

Claim 23 is considered substantively equivalent to claim 14 with the additional limitation of a mount table. This clearly shown as original pedestal 5 in figure 1 of Ohyama et al.. The "predetermined angle" of claim 14 is equivalent to the "direction for picking up said subject on said mount table".

Claim 24 is considered substantively equivalent to claim 8 discussed above.

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Claim 26 is considered substantively equivalent to claim 20 discussed above.

Claim 27 is considered substantively equivalent to claim 21 discussed above.

Regarding claim 28, all the limitations are contained in claim 14. Therefore, see Examiner's comment regarding claim 14.

Claim 29 is considered substantively equivalent to claim 17 discussed above.

Claim 30 is considered substantively equivalent to claim 18 discussed above.

Claim 31 is considered substantively equivalent to claim 20 discussed above.

Claim 32 is considered substantively equivalent to claim 21 discussed above.

4. Claims 6, 9, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699), Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580) further in view of Mizoguchi (EP 617562).

As for claims 6, 9, 19 and 25, Ohyama et al, Saito, Morimura and Ishikawa et al. do not explicitly state that the storage means includes more than two storage areas. This implies that two or more frames of image data may be stored in the memory. Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage

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means in the system of Ohyama et al, Saito, Morimura and Ishikawa et al capable of storing a plurality of frames by being divided into a plurality of storage sections.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is (703) 308-9297. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 308-6306

or:

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN
11/18/2000


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).**

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(e).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).